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2 District of Arizona  
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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF ARIZONA**

11 United States of America,  
12 Plaintiff,  
13 v.  
14 Precilia Cisneros,  
15 Defendant.

**COMPLAINT**  
**(DEBT OWED TO THE UNITED STATES)**

16 Plaintiff United States of America alleges:

17 **A. Jurisdiction**

18 1. Because the United States is a party, the District Court has jurisdiction  
19 under 28 U.S.C. § 1345.

20 **B. Venue**

21 2. Venue properly lies in this District Court pursuant to 28 U.S.C. § 1391(b)  
22 because Defendant Precilia Cisneros is a resident of Maricopa County, Arizona.

23 **C. Factual Background**

24 3. On February 15, 2014, as Defendant was entering the United States, the  
25 U.S. Customs and Border Patrol (“CBP”) caught Defendant with undeclared controlled  
26 substances at the Mariposa Port of Entry, Nogales, Arizona.  
27  
28

1           4. Title 19 U.S.C. § 1497(a) provides that an individual “shall be liable for a  
2 penalty,” as administratively determined by the United States, for 1,000 percent of the  
3 value of an article of the controlled substance.

4           5. On March 20, 2014, pursuant to 19 U.S.C. § 1497, CBP assessed a civil  
5 penalty for \$294,975.00 against the Defendant. It made a demand on her that same day.

6           6. On May 12, 2014, the Defendant, through counsel, petitioned CBP for  
7 relief from the penalty.

8           7. On February 9, 2015, the Office of International Trade-Regulations and  
9 Rulings mitigated the penalty to \$14,749.00 in accordance with the applicable guidelines.

10          8. On February 23, 2015, the United States, through CBP, issued a demand to  
11 Defendant, through her counsel, for payment.

12          9. On or about May 18, 2015, the United States made a final demand for the  
13 mitigated amount of \$14,749.00. This final demand provided a deadline of June 12, 2015  
14 for payment in full and notified Defendant that if payment was not received by that date,  
15 the debt would revert back to the original penalty amount of \$294,975.00.

16          10. To date, no payments have been made on this debt, and a balance remains  
17 due and owing to the Plaintiff of \$294,975.00.

18           **D. Cause of Action**

19          11. To date, the debt remains unpaid despite demand for payment.

20          12. Pursuant to 28 U.S.C. § 3001, et seq., (the Federal Debt Collection  
21 Procedures Act (FDCPA)) provides the procedures for collecting a debt.

22          13. “Debt” includes an amount owing to the United States on account of a fine.  
23 28 U.S.C. § 3002(3)(b).

24          14. The FDCPA provides that the Federal Rules of Civil Procedure shall apply.  
25 28 U.S.C. § 3003(f).

26          15. Therefore, the United States files this Complaint pursuant to Federal Rules  
27 seeking a judgment against Defendant for the fine imposed pursuant to 19 U.S.C. § 1497.  
28

1           **D.     Prayer for Relief**

2           The Plaintiff respectfully requests Judgment against the Defendant in the amount  
3 of \$294,975.00, plus costs and such further relief as the court deems just and reasonable.  
4

5           DATED: January 10, 2019.

6  
7                               ELIZABETH A. STRANGE  
8                               First Assistant United States Attorney  
9                               District of Arizona

10                              *s/Jeremy J. Butler*  
11                              Jeremy J. Butler  
12                              Assistant U.S. Attorney  
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9 North Grand Avenue  
Nogales, AZ 85621



**U.S. Customs and  
Border Protection**

Customs and Border Protection  
Attn: Fines, Penalties & Forfeitures  
9 North Grand Avenue  
Nogales, Arizona 85621

**CERTIFICATE OF INDEBTEDNESS**

Debtor(s) Name(s) and      Precilia Cisneros  
Address(es):                      2734 W. Campbell Avenue  
    Phoenix, Arizona 85017-3513

Total debt due United States as of November 20, 2015:      \$294,975.00

I certify that Customs and Border Protection (CBP) records show that the debtor(s) named above is/are indebted to the United States for \$294,975.00. The claim arose in connection with penalty case number 2014-2604-300013-01 issued by CBP for attempting to smuggle undeclared controlled substances through the Mariposa Port of Entry, Nogales, Arizona.

On March 20, 2014, a penalty was issued against Precilia Cisneros (SSN# [REDACTED]-0065) because she attempted to smuggle undeclared controlled substances into the United States through the Mariposa Port of Entry, Nogales, Arizona. A penalty was assessed pursuant to title 19, United States Code, section 1497. To date, the balance of the penalty remains at \$294,975.00.

**CERTIFICATION:** Pursuant to 28 USC § 1746, I certify under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
John W. McClune  
Fines, Penalties & Forfeitures Officer

5/3/2018  
(Date)

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

**The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.**

**Plaintiff**  
(s): **United States of America**

County of Residence: Pima

County Where Claim For Relief Arose: Santa Cruz

**Defendant**  
(s): **Precilia Cisneros**

County of Residence: Maricopa

Plaintiff's Atty(s):

**Jeremy J. Butler , AUSA  
405 W. Congress St., Ste. 4900  
Tucson, Arizona 85701-5041  
5206207300**

Defendant's Atty(s):

II. Basis of Jurisdiction: **1. U.S. Government Plaintiff**

III. Citizenship of Principal Parties  
(Diversity Cases Only)

Plaintiff:- N/A  
Defendant:- N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **690 Other**

VI.Cause of Action: **Penalty/Fine assessment by U.S. Customs and Border Patrol, 19 U.S.C. 1497**

VII. Requested in Complaint

Class Action: **No**  
Dollar Demand: **294,975.00**  
Jury Demand: **No**

VIII. This case is not related to another case.

**Signature:** s/Jeremy J. Butler

**Date:** 01/10/2019

**If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.**

Revised: 01/2014